

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

GERALD H. LOWERY, SR.

PLAINTIFF

v.

Civil No. 4:18-cv-04108

WARDEN JEFFIE WALKER, Miller County  
Detention Center (MCDC); NURSE  
S. KING, Head Nurse MCDC; NURSE  
CHELSEA FOSTER, MCDC; NURSE  
LONNIE REDFEARN, MCDC; DR.  
TIMOTHY REYNOLDS, MCDC;  
SHERIFF JACKIE RUNION; SOUTHERN  
HEALTH PARTNERS, INC.; and  
MILLER COUNTY

DEFENDANTS

**ORDER**

Currently before the Court is Plaintiff's Motion to Add Defendant. (ECF No. 49). Defendants Timothy Reynolds, Steven King, Chelsea Foster, Loni Redfearn, and Southern Health Partners, Inc. have filed a Response in opposition to the motion. (ECF No. 52).

Defendants filed their Motion for Summary Judgment in this action on May 13, 2019. (ECF No. 39). Plaintiff filed his Response to the motion on July 19, 2019. (ECF No. 48). That same day, Plaintiff filed the instant motion to add "Steve Foltz N.P. as a defendant ...in light of the revelation that he made decisions pertinacious to the health care I endured at Miller County Jail...". (ECF No. 49, p. 2). In their Response to Plaintiff's motion, Defendants state that the deadline to add parties was February 5, 2019. They also state that they provided Plaintiff with initial disclosures back on December 21, 2018, which included one-hundred six (106) pages of Plaintiff's medical records showing Mr. Foltz's signature and his involvement in Plaintiff's healthcare. (ECF No. 52, p. 1).

On November 7, 2018, this Court entered an Initial Scheduling Order which specifically set the deadline as February 5, 2019, to amend pleadings or to join parties. (ECF No. 22, p. 2). In addition, the order specifically states that “Motions not timely filed may be denied solely for that reason.” *Id.* Finally, the initial disclosures provided to Plaintiff by Defendants back in December of 2018 should have given Plaintiff’s notice of Mr. Foltz’s role in his healthcare.

Accordingly, Plaintiff’s Motion to Add Defendant (ECF No. 49) is **DENIED**.

**IT IS SO ORDERED this 24th day of July 2019.**

/s/ *Barry A. Bryant*

HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE